

REMARKS

Claims 1-3, 5, 8-13, 17-22, 24-25, and 28-34 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the objections and rejections in view of the amendments and remarks contained herein.

CLAIM OBJECTIONS UNDER 35 U.S.C. §103

Claims 1-3, 5, 8-13 and 17-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. (U.S. Patent No. 5,879,404) in view of Homsy (US 4,778,474) and Shelley (JP402161943). Claims 19-22, 24, 25 and 28-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. (US 5,879,404) in view of Homsy (US 4,778,474) and Shelley (JP402161943), further in view of Lin et al. (US 5,782,930). Applicant respectfully traverses these rejections.

The Applicants still believe that Bateman et al. and Shelley do not disclose or teach, either alone or in combination, each of the elements of the presently pending claims, as discussed in previous responses.

Further, Homsy does not provide any additional support or teachings for the claimed elements, either alone or in combination with Bateman et al. and Shelley. In particular, Homsy discloses an acetabulum device that includes an exterior coating 32 that is interconnected with a cup 28. Illustrated in Fig. 3 thereof, the exterior coating 32a is interconnected with the cup 28a with an intermediate elastomeric lining 33. In other words, the elastomeric lining 33 only covers an exterior of the cup 28a and is interconnected with the outer coating 32a. A separate lining 30 must still be provided and does not include or is not associated with the coating 32a or the layer 33 in any

manner. Therefore, Homsy either singly or in combination does not teach providing a liner for an acetabulum cup including each of the elements of the presently pending claims. Rather, Homsy merely discloses providing an elastometric layer between an exterior coating and a cup.

Lin et al. discloses only providing a locking ring to connect a liner with a shell. Lin et al. does not appear to teach any of the elements of the presently pending claims such as a ceramic insert, a bio-compatible thermal plastic backing member, or any other portion thereof. Therefore, Lin et al., either alone or in combination, does not teach all the elements of the presently pending independent claims.

Further, as discussed above and in previous responses, the Applicant submits that Bateman et al. does not teach each of the elements of the presently pending claims. Bateman et al., particularly teaches that portions must be fixed together. Thus, Bateman et al. teaches away from allowing for interconnection where an outer acetabular shell is separate from other parts of the components such as the inner liner. See column 4, lines 20-24. Therefore, Bateman et al. teaches away from providing an acetabular implant with more than one component. Contrary to this, Independent Claim 1 recites “a ceramic insert member portion...a biocompatible thermal plastic backing member portion...a groove defined by said biocompatible thermal plastic backing member adapted to receive an inter-connection member”. Independent Claim 11 recites “a ceramic insert member....a biocompatible thermoplastic backing member...and a connection system defined by said biocompatible thermoplastic backing member adapted to interact with an acetabular component”. Independent Claim 19 recites “an acetabulum member operable to be positioned in an

acetabulum....a composite acetabular liner...a securing member operable to interconnect the acetabulum member and the composite acetabular liner component.” Independent Claim 20 also recites “a securing member interconnecting the acetabulum member and the composite acetabular component.” Bateman et al. teaches away from at least these elements of each of the presently pending independent claims. Because Bateman et al. requires that the various portions of the implant be fixed to one another and cannot be separate components, Bateman et al. cannot teach a securing member, an interconnection member, or any portion thereof. Therefore, the Applicants submit that Bateman et al. cannot teach each of the elements of the presently pending independent claims, as submitted by the Examiner, nor can Bateman et al. be properly combined with any of the other cited arts to teach each of the elements of the presently pending independent claims.

Further, the roughness recited in Independent Claims 1 and 11 is neither taught nor fairly suggested by the art cited. The Applicants submit that such ranges are not heretofore disclosed and are not ranges that involve only routine skill in the art. Rather, the ranges as disclosed and claimed in the presently pending claims, should be given patentable weight.

Further, independent Claim 21 recites “interconnecting the composite acetabular component with an acetabulum implant with an interconnecting member”. As discussed above, Bateman et al. teaches that the various components of an implant must be fixed relative to one another. Therefore, interconnecting portions of an implant is actually taught away from by Bateman et al. Therefore, Independent Claim 21 is also neither taught nor fairly suggested by Bateman et al., either alone or in combination with the

cited art. Therefore, Bateman et al. cannot properly be combined with the other cited art to teach each of the elements presently pending in Independent Claim 21.

The Applicant further submits that each of the other cited references, including Shelley (JP402161943), have been considered by the Applicant and addressed in previous responses and the Applicant requests that the Examiner consider the same in conjunction with the response provided herein.

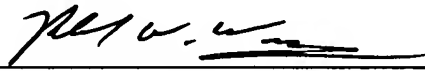
Therefore, each of the presently pending claims are in condition for allowance and the Applicant requests that the Examiner allow each of the claims.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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